

**REMARKS/ARGUMENTS**

This Amendment accompanies a Request for Continued Examination (RCE) and addresses issues presented in the Official Action of September 15, 2010, a Final Rejection.

Submitted herewith is the Evidentiary Declaration of Elger Funda made December 21, 2010.

The claims have been amended in order to more particularly point out and distinctly claim that which applicants regard as their invention and to direct them to preferred aspects of the disclosure. More specifically, claim 32 is amended to specify that the incubation is conducted for 5 to 10 minutes based upon the description at page 4, line 1 and that the degree of hydrolysis ranges from 1 to 10% as disclosed on page 3, line 20. These amendments to claim 32 directly address the examiner's comments on page 7 regarding degree of hydrolysis and general processing times.

Also submitted herewith are some comparisons demonstrating that the storage stability of the formulations according to the present invention is significantly better in comparison with plant proteins other than lupin and show that other plant proteins, namely soy protein, rapeseed and rice proteins, are not as good as lupin proteins. From this information it will be apparent that the lupin proteins with a degree of hydrolysis as claimed provide improved properties relating to storage stability. This could not have been foreseen from the prior art.

Please consider the above claim amendments and attached evidence during further examination of this application.

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 14-1140.

FUNDA et al  
Appl. No. 10/530,167  
January 4, 2011

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

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